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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,226	01/30/2004	Philip Frank Souter	CM2597	9632

27752 7590 03/14/2006

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER

ANTHONY, JOSEPH DAVID

ART UNIT PAPER NUMBER

1714

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/769,226

Applicant(s)

SOUTER ET AL.

Examiner

Joseph D. Anthony

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1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/21/06 as After-Final Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**(after the withdrawal of the final-rejection)**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-16 and 18-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Williamson Jr. U.S. Patent Number 3,325,014.

Williamson Jr. who clearly teaches that it is well known in the art of purifying water to use combinations of chlorine based disinfectant with potassium permanganate in a process of disinfecting and removal of manganese by oxidation, see column 1, lines 7-42, column 3, lines 10-22, and column 5, lines 9-56. Williamson, Jr. directly discloses that his invention is useful for purifying both

soft and hard natural well water. Williamson, Jr. directly discloses that such soft natural well water usually contains certain iron, manganese, and/or hydrogen sulfide. Hard natural well water is taught to contain calcium and manganese carbonates. The said multivalent inorganic compounds/salts in soft and hard natural well water are deemed to read on applicant's required primary coagulant. Applicant's claims are deemed to be anticipated when such soft or hard natural well water is treated and purified with Williamson, Jr.'s combination of chlorine based disinfectant and potassium permanganate. In the alternative, applicant's invention is deemed to be obvious over Williamson, Jr. only because Williamson, Jr. does not expressively state all of applicant's claimed ratios of the various components with each other. The examiner must point out that most of applicant's claimed ratios of the various components with each other, are ratios of components that are only optional components in applicant's claimed invention. As such, the failure of Williamson, Jr. to directly teach such ratios is moot since they are not required components of applicant's claims. As an example, in applicant's claim 2 the listed ratio of primary coagulant to bridging flocculant need not be met by the disclosure of Williamson, Jr. because applicant independent claim 1 lists a bridging flocculant as an optional component and dependent claim 2 does not itself actually require that the bridging flocculant is actually present in the composition. All that dependent claim 2 requires is that if the bridging flocculant is present, then its concentration must be within said ratio with the primary coagulant.

4. Claims 1-22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 066 421 in view of Williamson Jr. U.S. Patent Number 3,325,014.

EP teaches compositions for the purification of water for human use. The taught purification compositions may comprise primary coagulants (see page 5, lines 8-12), microbiocidal chlorine-based disinfectants (see page 10, lines 1-14), a primary hydrophilic colloid and a secondary colloid (these two components are deemed to read on applicant's claimed a coagulant aid and bridging flocculant) see page 2, line 29 to page 5, line 1, page 5, lines 26-37, page 6, line 23 to page 7, line 25, especially not page 7, lines 19-24, water-soluble alkali and water-insoluble silicate ( see page 6, lines 1-11) and components that can be said to be food additives or nutrient sources, also see the examples of EP wherein just about all of said above components are actually added together to make water purifying compositions. EP thus differs from applicant's claimed invention only in that there is no direct disclosure to the further addition of applicant's required component (iii).

Williamson Jr. has been described above and clearly teaches that it is well known in the art of purifying water to use combinations of chlorine based disinfectant with potassium permanganate in a process of disinfecting and removal of manganese by oxidation, see column 1, lines 7-42, column 3, lines 10-22, and column 5, lines 9-56. Williamson, Jr. directly discloses that his invention is useful for purifying both soft and hard natural well water.

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It would thus have been obvious to one having ordinary skill in the art to use the direct disclosure of Williamson Jr. as strong motivation to actually incorporate potassium permanganate into the disinfecting compositions taught by EP as a means for superior removal of unwanted manganese by oxidation which is highly desirable for water that is to be used for human use, such as drinking, washing etc..

### ***Response to Arguments***

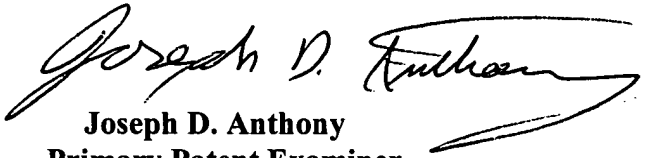
5. Applicant's arguments with respect to claims 1-22 and 29 have been considered but are moot in view of the new ground(s) of rejection. The finality of the old office action, mailed 12/8/05, is being withdrawn in light of applicant having established proper priority back to GB No. 0118749.1 filed on 8/8/2001. Applicant's after-final amendment filed, 02/21/06, has been entered by the examiner. The present office action is thus being made non-final.

### ***Examiner Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.

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A handwritten signature in black ink, appearing to read "Joseph D. Anthony", with a long, sweeping horizontal stroke extending to the right.

**Joseph D. Anthony**  
**Primary Patent Examiner**  
**Art Unit 1714**

3/3/06